

FAQs for Forensic Laboratories Licensure

Q. Who is required to obtain a Forensic Laboratory License?

A. Any laboratory that performs or offers to perform forensic analyses on evidence from the State of Maryland is required to obtain a Maryland State Forensic Laboratory License.

Q. What types of laboratories do not need to obtain a Maryland State Forensic Laboratory License?

A. The following types of laboratories are not required to obtain a Maryland State Forensic Laboratory License:

- (1) A forensic laboratory operated by the federal government; or
- (2) A laboratory licensed or certified by the Maryland Department of Agriculture.

Q. What types of things are not included under Forensic Analyses?

A. Forensic analysis does not include:

- (1) A test of a specimen of breath or blood to determine alcohol concentration or controlled dangerous substance content;
- (2) Forensic information technology;
- (3) A presumptive test performed at a crime scene;
- (4) A presumptive test performed for the purpose of determining compliance with a term or condition of community supervision or parole and conducted by or under contract with a county department of corrections or the Department of Public Safety and Correctional Services; or
- (5) An expert examination or test conducted principally for the purpose of scientific research, medical practice, civil or administrative litigation, or any purpose other than determining the connection of physical evidence to a criminal act.

Q. What are the licensing fees to operate an accredited forensic laboratory?

A. A person applying for a permit to operate an accredited forensic laboratory shall submit with each initial and renewal application a:

- (a) Non-refundable \$150 application fee; and
- (b) Licensing fee of \$90 for each discipline at each individual laboratory site.

Q. What are the licensing fees to operate a non-accredited forensic laboratory located in the State of Maryland?

A. A person applying for a permit to operate a non-accredited forensic laboratory located in the State shall submit with each initial and renewal application a:

- (a) Non-refundable \$300 application fee; and
- (b) Licensing fee of \$300 for each discipline at each individual laboratory site.

Q. What are the licensing fees to operate a non-accredited forensic laboratory not located in the State of Maryland?

A. A person applying for a permit to operate a non-accredited forensic laboratory not located in the State shall submit with each initial and renewal application a:

- (a) Non-refundable \$1,000 application fee; and
- (b) Licensing fee of \$300 for each discipline at each individual **laboratory site**.

Q. Are there any provisions for a waiver of the licensing requirements?

A. The Secretary may grant to a forensic laboratory **not located in this State**, a waiver from the licensing requirements if

- (i) The forensic analysis or examination is not performed by a licensee;
- (ii) The waiver is limited to a single case or related cases; and
- (iii) The person requesting the waiver has documentation that demonstrates the forensic laboratory's competency and quality.

Q. Is there a fee associated with a waiver request?

A. A person requesting a waiver as set forth in this subtitle shall submit a fee of \$60.

Q. Can I obtain a provisional license and what is the fee?

A. A licensee requesting a provisional license for the addition of a new discipline shall submit a fee of \$200. A licensee requesting a provisional license for the addition of a new subdiscipline shall submit a fee of \$60.

Q. What is a Letter of Permit Exception?

A. A Letter of Permit Exception is a letter granting limited authority to an individual not associated with a public or commercial laboratory, who reviews results or conclusions of the original forensic analysis performed by a licensed forensic laboratory solely for the purpose of assessing the original opinion, interpretation, or conclusion of the licensed forensic laboratory.

Q. Who is required to obtain a Letter of Permit Exception?

A. The Maryland State forensic laboratory regulations **require** that those who are examining forensic evidence in Maryland for a criminal case must be licensed by the State. For individuals, not affiliated with a licensed laboratory, who are forensic consultants, analysts, examiners, technicians, criminalists, chemists, and/or scientists and are examining, testing, or analyzing forensic evidence for a criminal case, **a letter of permit exception must be obtained from the OHCQ** by that individual prior to evidentiary examination, testing, and analysis.

Q. What are the fees associated with obtaining a Letter of Permit Exception?

A. An individual applying for a letter of permit exception shall submit a fee of \$300 per discipline in which the forensic analysis will be performed.

An individual applying for a letter of permit exception shall submit a fee of \$180 per subdiscipline in which the forensic analysis will be performed.